

Protocol

Between the Youth Offending Service and Children's Services in relation to Youth Detention Accommodation Secure Remands

(v 3.1)

Introduction

The youth remand elements of the Legal Aid Sentencing and Punishment of Offenders (LASPO) Act (2012) were implemented in December 2012. The Act made some significant changes to the previous arrangements for children and young people remanded to the secure estate (i.e. secure remands and custodial remands), now renamed Youth Detention Accommodation (YDA). These include:

The regulations now apply to all children and young people aged 12 to 17 inclusive irrespective of age, gender or vulnerability

All young people aged 12-17 inclusive receiving a YDA remand will automatically become Looked After Children

The Local Authority will become responsible for funding the YDA remands

In addition, 17 year-olds are now eligible for Remands to Local Authority Accommodation.

These changes carry significant implications for Children's Services LAC responsibilities and this protocol describes the partnership process between the Youth Offending Service and Children's Services that will enable efficient implementation of the regulations.

Process

1. The Youth Justice Board requires receipt of a Placement Information Form (PIF) to be sent on the day of the YDA remand. The YOS Court Officer on duty in court that day will also send this form by email to PlacementFinding@lbbd.gov.uk . At the same time, (if the young person does not already have an allocated social worker), he/she will also email the PIF to the MASH using childrenss@lbbd.gov.uk, highlighting that the YDA remand automatically results in the young person becoming a Looked After Child and that a MARF will follow by the end of the next working day.

2. The YOS worker will enter relevant information into the MARF and will also make reference to information contained in the PIF as necessary, rather than this information being unnecessarily duplicated in the MARF.

3. The YOS Court Duty officer will also ensure that the email contains the name of the secure establishment to which the young person has been remanded. The YOS will ensure that the bed-night cost of the remand is also sent to PlacementFinding and the name of the allocated YOS worker will also be made known to PlacementFinding and MASH (or the allocated social worker) by the end of the next working day.

4. If the young person already has an allocated social worker, it is not necessary for the YOS to inform the MASH or to complete a MARF. Instead, it is sufficient for the PIF to be sent by email to the allocated social worker.

5. The new/existing Children's Services allocated social worker will contact the allocated YOS worker within two working days of notification of the remand to discuss arrangements during the remand period.

6. The social worker will be responsible for completing the LAC paperwork and other LAC requirements of the remand and ensure the Referral Information Record (RIR) is passed to the YOS worker.

7. The allocated YOS worker will be responsible for the YDA remand duties in relation to the criminal justice requirements of the remand and will be the point of contact for the social worker.

8. The above process will also apply to young people who appear in the Youth Court on days other than the designated Barking and Dagenham Youth Court day, and to young people who appear in other Youth Courts. However, timescales are dependent on the YOS which is staffing the Youth Court on that particular day, informing B & D YOS of the relevant information in good time.

9. For young people who receive a YDA remand on a Saturday, the above process and notifications will take place on the following Monday.

10. In line with National Standards for Youth Justice Services, the YOS worker will visit the young person within five working days of the remand decision and will inform the allocated social worker of this visit in advance.

11. The social worker will arrange for the initial Statutory Child in Care Review to take place within 28 days of young person being remanded and will ensure the YOS worker is invited to that meeting. The social worker will also arrange the second and subsequent meetings to take place within the prescribed timescales.

12. Transition to Leaving Care Services to take place after 13 weeks of being remanded, if he/she is 16 or over.

13. When, at a subsequent court hearing, the young person is bailed or sentenced, his/her LAC status will end. The YOS will notify the allocated social worker and Placement Finding of this by email within one working day.

14. Children's Services will not close the case at the end of the remand period until after the social worker has arranged and attended a meeting with the YOS worker, the young person and the young person's parent/carer. The purpose of this meeting is to allow the social worker to formally notify all parties of the closure, explain the reason for this and answer any questions that may arise. Decisions will also be made at this meeting to address any unmet needs that have been identified.

15. If the young person becomes 18 during the remand period, the above meeting will take place as described.

16. If the young person receives a custodial sentence at the end of the remand period, the YOS worker and social worker may agree that the case closure meeting need not take place.

Escalation Process

If any disputes arise from this protocol and cannot be resolved by the staff concerned, the relevant Group Managers will be notified and asked to adjudicate.